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April 7, 2008

BY ELECTRONIC FILING

The Honorable Gregory M. Sleet
United States District Court
Federal Building
844 North King Street
Wilmington, DE 19801

Re: *Merck & Co., Inc. v. Ranbaxy Inc. and Ranbaxy Laboratories Limited*
C.A. No. 07-229 (GMS)

Dear Chief Judge Sleet:

The parties will raise the following issues during the conference call on discovery issues that the Court scheduled for Wednesday, April 9, 2008, at 2:30 p.m.:

Merck:

1. Discovery relating to samples of Ranbaxy's ANDA product.
2. Discovery relating to Ranbaxy's ANDA and communications with the FDA.
3. Discovery relating to secondary considerations of nonobviousness.
4. Discovery relating to issues concerning a permanent or preliminary injunction.

Ranbaxy:

1. Ways to achieve an inexpensive determination of this action in view of concessions by Ranbaxy, and Ranbaxy's request for a protective order precluding discovery by Merck on matters not relevant to any issue in this case.
2. Merck's production of documents in various categories pertaining to Ranbaxy's prior art, double patenting and unenforceability defenses, including:

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- a. Merck's internal documents concerning inventorship and prosecution of the '868 patent and related "combination" patents.
 - b. Files of foreign counterparts to the '868 patent and related "combination" patents.
 - c. Disclosures made by Merck at the Interscience Conference on Antimicrobial Agents and Chemotherapy (ICAAC) held September 22-24, 1980 in New Orleans, LA.
3. Exchange of privilege logs.

Respectfully,

/s/ Mary B. Graham

Mary B. Graham (#2256)

MBG/dam

cc: Clerk of the Court (by hand delivery)
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